

## FRIENDSHIP, COMMERCE, AND NAVIGATION

*Exchanges of notes at Nanking November 29, 1948, supplementing  
treaty of November 4, 1946*

*Entered into force November 29, 1948*

63 Stat. 1392; Treaties and Other  
International Acts Series 1871

*The American Ambassador to the Minister of Foreign Affairs*

AMERICAN EMBASSY  
*Nanking, November 29, 1948*

No. 935

### EXCELLENCY:

I have the honor to refer to Article XXVII of the Treaty of Friendship, Commerce and Navigation between the United States of America and the Republic of China signed at Nanking on November 4, 1946<sup>1</sup> and to the recent conversations between representatives of our two Governments regarding the applicability of the provisions of the aforesaid Treaty to the Trust Territory of the Pacific Islands.

In view of the special relationship established with respect to the Trust Territory of the Pacific Islands by the Trusteeship Agreement approved by the Security Council of the United Nations on April 2, 1947, the Government of the United States of America proposes that: (1) the Treaty of Friendship, Commerce and Navigation between the United States of America and the Republic of China, signed at Nanking on November 4, 1946, shall not apply to the Trust Territory of the Pacific Islands except to the extent that the President of the United States of America shall by proclamation extend the provisions of the Treaty to such Trust Territory; (2) the provisions of the Treaty according treatment no less favorable than the treatment accorded to any third country shall not apply to advantages now accorded or which may hereafter be accorded by the United States of America or its territories and possessions, irrespective of any change in their political status, to the Trust Territory of the Pacific Islands.

If the foregoing proposals are acceptable to the Government of the Republic of China, the Government of the United States of America will

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<sup>1</sup> TIAS 1871, *ante*, p. 761.

consider this note and your reply as placing on record the understanding of the two Governments in this matter, with effect from the date of entry into force of the aforesaid Treaty.

Please accept, Excellency, the renewed assurances of my highest consideration.

J. LEIGHTON STUART

His Excellency

Dr. WANG SHIH-CHIEH,  
*Minister for Foreign Affairs,*  
*Ministry of Foreign Affairs,*  
*Nanking.*

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*The Minister of Foreign Affairs to the American Ambassador*

THE MINISTRY OF FOREIGN AFFAIRS  
REPUBLIC OF CHINA

NANKING, *November 29, 1948*

EXCELLENCY:

I have the honor to acknowledge the receipt of your note of today's date which contains the following proposals on the part of the Government of the United States of America with respect to the applicability to the Trust Territory of the Pacific Islands of the Treaty of Friendship, Commerce and Navigation between the Republic of China and the United States of America signed at Nanking on November 4, 1946: (1) the Treaty of Friendship, Commerce and Navigation between the United States of America and the Republic of China, signed at Nanking on November 4, 1946, shall not apply to the Trust Territory of the Pacific Islands except to the extent that the President of the United States of America shall by proclamation extend the provisions of the Treaty to such Trust Territory; (2) the provisions of the treaty according treatment no less favorable than the treatment accorded to any third country shall not apply to advantages now accorded or which may hereafter be accorded by the United States of America or its territories and possessions, irrespective of any change in their political status, to the Trust Territory of the Pacific Islands.

I have the honor to inform you that the Government of the Republic of China accepts the foregoing proposals and considers your note together with this reply as placing on record the understanding of our two Governments in this matter, with effect from the date of entry into force of the aforesaid Treaty.

Please accept, Excellency, the renewed assurances of my highest consideration.

[SEAL]

His Excellency

Dr. J. LEIGHTON STUART,  
*Ambassador Extraordinary and Plenipotentiary  
of the United States of America  
to the Republic of China,  
Nanking.*

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*The American Ambassador to the Minister of Foreign Affairs*

AMERICAN EMBASSY  
*Nanking, November 29, 1948*

No. 936

EXCELLENCY:

I have the honor to refer to Article XV and paragraph 3 (c) of Article XXVI of the Treaty of Friendship, Commerce and Navigation between the United States of America and the Republic of China signed at Nanking on November 4, 1946, and to state that it is the understanding of the Government of the United States of America that the provisions of the aforesaid Treaty do not preclude action by either of the parties thereto which is required or specifically permitted by the General Agreement on Tariffs and Trade<sup>2</sup> or by Chapter IV of the Havana Charter for an International Trade Organization,<sup>3</sup> during such time as the party applying such measures is a contracting party to the General Agreement or is a member of the International Trade Organization.

I should be glad if your Excellency would confirm this understanding on behalf of the Government of the Republic of China.

Please accept, Excellency, the renewed assurances of my highest consideration.

J. LEIGHTON STUART

His Excellency

Dr. WANG SHIH-CHIEH,  
*Minister for Foreign Affairs,  
Ministry of Foreign Affairs,  
Nanking.*

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<sup>2</sup> TIAS 1700, *ante*, vol. 4, p. 641.

<sup>3</sup> Unperfected; for excerpts, see *A Decade of American Foreign Policy: Basic Documents, 1941-49* (S. Doc. 123, 81st Cong., 1st sess.), p. 391.

*The Minister of Foreign Affairs to the American Ambassador*

THE MINISTRY OF FOREIGN AFFAIRS  
REPUBLIC OF CHINA

NANKING, *November 29, 1948*

EXCELLENCY:

I have the honor to acknowledge the receipt of your note of today's date with respect to Article XV and paragraph 3 (c) of Article XXVI of the Treaty of Friendship, Commerce and Navigation between the Republic of China and the United States of America signed at Nanking on November 4, 1946, and to confirm that it is the understanding of the Government of the Republic of China that the provisions of the aforesaid Treaty do not preclude action by either of the parties thereto which is required or specifically permitted by the General Agreement on Tariffs and Trade or by Chapter IV of the Havana Charter for an International Trade Organization, during such time as the party applying such measures is a contracting party to the General Agreement or is a member of the International Trade Organization.

Please accept, Excellency, the renewed assurances of my highest consideration.

[SEAL]

His Excellency

Dr. J. LEIGHTON STUART,  
*Ambassador Extraordinary and Plenipotentiary  
of the United States of America  
to the Republic of China,  
Nanking.*